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India: Situation of inter-caste couples, particularly those involving Dalits, from both urban and rural locations, including societal attitudes, treatment by government authorities and the treatment of their children (2005-April 2012)

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

1. Overview

India's caste system, a social hierarchy based on traditional occupations, is divided into four castes, and "thousands of sub-castes" (*The Globe and Mail* 2 Dec. 2011). The lowest group, Dalits, formerly known as "'untouchables'," are viewed as being outside the caste system, with traditional occupations that are viewed as "polluting" (ibid.).

Sources indicate that inter-caste marriages in India are uncommon (Navsarjan 20 Apr. 2012; *The Globe and Mail* 2 Dec. 2011). According to a survey of 5,462 people from 1,589 villages in Gujarat state that was carried out by Navsarjan, a Gujarat-based Dalit rights organization (Navsarjan n.d.), and the Robert F. Kennedy Center for Justice and Human Rights, inter-caste marriage is forbidden in 98.4 percent of villages and inter sub-caste marriage is prohibited in 99.1 percent of the villages surveyed (Navsarjan and RFK Center 2010, 17, 24). The Director of the New Delhi-based Centre for Social Equality and Inclusion, who works to end caste-discrimination, stated that

. . . inter-marrying continues to be a taboo. While legally there is no bar to inter-caste marriages and the state even makes provisions, it remains on paper. Marriages are most often arranged within one's caste and sub-caste ensuring that many other norms are also followed.

[t]he deeply entrenched caste norms do not make it easy for even educated progressive thinking people to cross caste boundaries in matters like marriage. Even when young people studying in universities may consider marrying across caste, sooner or later they realize the impracticalities of it . . . (qtd. in the *Globe and Mail* 2 Dec. 2011)

A professor of sociology who is also the Chair of the Centre for the Study of Social Systems at the School of Social Sciences at Jawaharlal Nehru University in New Delhi, in correspondence with the Research Directorate, estimated that more than 95 percent of marriages in India occur "within the traditionally/socially

acceptable limits" (19 Apr. 2012). Sources indicate that inter-caste couples face more problems than inter-religious couples (*The Globe and Mail* 7 Dec. 2011; Professor of sociology 10 Apr. 2012). Inter-caste marriages involving Dalits [the lowest caste group] are considered less acceptable than those involving two different dominant castes (Navsarjan 20 Apr. 2012; Professor of history 10 Apr. 2012; *The Globe and Mail* 2 Dec. 2011).

Societal attitudes also vary depending on the region and class (Navsarjan 20 Apr. 2012; Professor 19 Apr. 2012). In a telephone interview with the Research Directorate, a professor of history at the University of Toronto, who has written about religion and caste in India, explained that each caste has specific rules about who they can and cannot marry (10 Apr. 2012).

2. Treatment

Sources indicate that there are no official statistics available on the prevalence of mistreatment towards inter-caste couples (Navsarjan 20 Apr. 2012; see also Professor of sociology 19 Apr. 2012). The BBC notes that "hundreds" of people are killed annually in India for marrying someone of a different caste or for marrying against their parents' wishes (16 Nov. 2011). Human Rights Watch notes that, according to an independent study, at least 900 honour killings, in which people are killed for marrying outside their caste or religion, or within their kinship group, occur each year in Haryana, Punjab, and Uttar Pradesh states (18 July 2010). However, the professor of sociology at Jawaharlal Nehru University expressed his personal opinion that, although inter-caste couples initially face resistance from their families, particularly the woman's family, that most cases of inter-caste marriage are eventually accepted (19 Apr. 2012).

Inter-caste couples may reportedly face "social ostracism" (IPS 18 Aug. 2010) or "social excommunication" (Navsarjan 20 Apr. 2012). In correspondence with the Research Directorate, the Executive Director of Navsarjan explained that inter-caste couples are often forced to leave their homes, particularly in rural areas (Navsarjan 20 Apr. 2012). Human Rights Watch explains that inter-caste couples, and other couples who fear the reaction of their families or communities, often elope, after which

[t]he wife's relatives frequently then file abduction complaints, leading the police to arrest the husband, even if the woman denies being abducted. The woman is then forced to rejoin her family, where she may be confined, abused, and sometimes killed. (18 July 2010)

Hard News, a new Delhi-based news magazine, states that honour crimes against inter-caste couples range from "quiet murders passed off as suicides, to pre-meditated, long-drawn public humiliation and social boycott" (22 Jan. 2012). According to the Navsarjan Executive Director, inter-caste couples may be murdered either by family members or "people with social clout" in the community (Navsarjan 20 Apr. 2012).

Media sources and human rights organizations have reported on specific cases in which people who married someone of another caste were murdered (*The Times of India* 15 Mar. 2012; ACHR Oct.-Dec. 2010, 30; Human Rights Watch 18 July 2010; UNI 13 Mar. 2012). According to the US Department of State's *Country Reports on Human Rights Practices for 2010*, on 22 June 2010 in New Delhi, two women who married outside of their caste were killed by their

brothers (US 8 Apr. 2011, 48). The Centre for Dalit Rights (CDR), which monitors caste-based human rights violations in Rajasthan state (n.d.b), recorded a case from 1 September 2010, in which a Dalit in an inter-caste marriage was allegedly murdered by a dominant caste member in the district of Jaipur (CDR n.d.a, 52). In an example from the Asian Centre for Human Rights (ACHR), on 11 November 2010, a man who married a woman of a different caste was shot and killed by his wife's brother in the town of Tohana, in the Fatehabad district of Haryana state (Oct.-Dec. 2010, 30). In addition, Indian media sources reported on a case from March 2012, in which an upper-caste woman, who married someone outside her caste, was allegedly killed by her brother because he disapproved of the marriage (*The Hindu* 15 Mar. 2012; *Times of India* 15 Mar. 2012; UNI 13 Mar. 2012); the victim lived in Mysore (*Times of India* 15 Mar. 2012).

There are also specific examples in which inter-caste marriage partners were assaulted (UN 2 June 2010), threatened (CDR n.d.a, 89), confined by their parents (*Deccan Chronicle* 29 Feb. 2012), and had false charges filed against them (ibid.; *The Hindu* 26 Mar. 2012; Human Rights Watch 18 July 2010). In addition, there are cases in which inter-caste couples committed suicide (*The Globe and Mail* 7 Dec. 2011). In some cases, the family members of a person in an inter-caste marriage are forced out of their villages (*The Pioneer* 3 Apr. 2012; *The Times of India* 22 Feb. 2012).

According to the Executive Director of Navsarjan, Dalits who marry people from other castes are subject to "torture, discrimination and [abuse]" (20 Apr. 2012). She explained how male and female Dalits are typically treated when inter-marrying as follows:

If the bride is a Dalit, then most of the times she is not accepted by her husband's family members and she is later deserted by her husband as well. This makes her life pitiable as she is not even accepted by her parents and relatives.

If the bride-groom is a Dalit, then he goes through criminal intimidation from the bride's family. He would not be accepted and given equal treatment as a son-in-law by his in-laws. He goes through social exclusion and rejection. (20 Apr. 2012).

The professor of history at the University of Toronto said that inter-caste marriages between upper castes and Dalits can lead to violence and killings (10 Apr. 2012). Similarly, the Director of the Centre for Social Equity and Inclusion in New Delhi stated that inter-caste marriages, particularly those that cross the "touchability line," may put the person's life in danger (*The Globe and Mail* 2 Dec. 2011).

2.1 Situation in Rural Areas

According to Human Rights Watch, *khap panchayats*, "unofficial village councils," in the northern states of Haryana, Punjab and Uttar Pradesh, issue edicts forbidding inter-caste marriage (18 July 2010). Media sources report that these khaps order honour crimes, including those motivated by inter-caste marriages (*The Guardian* 24 June 2010; BBC 16 Nov. 2011) and often "unleash violence" on those who do not follow their orders (*The Times of India* 3 June 2010). *The Pioneer* reported on a case in which a khap panchayat issued an edict expelling a family whose son married a woman from a different caste (3 Apr.

2012).

The Navsarjan executive director noted that mobility is restricted in rural areas and that the chance of inter-caste couples "being identified and targeted is much higher than in the urban areas" (20 Apr. 2012).

3. State Protection

India's *Special Marriage Act-1954*, which came into effect on 1 January 1955, allows for inter-caste marriages, but requires that couples give written notice of their intent to marry at least thirty days before the marriage (India 1954, Sec. 1, 4, 5, 7). Human Rights Watch notes that the thirty-day notice period is sometimes used by families to locate and kill or forcibly break up couples (18 July 2010).

According to the Executive Director of Navsarjan, the Indian government gives 50,000 Indian rupees (INR) [about C\$930 (XE 11 May 2012a)] to inter-caste couples who marry (20 Apr. 2012). Media sources corroborate that this amount was given to those in inter-caste marriages in the state of Maharashtra (*Afternoon Voice* 2 Mar. 2012) and the state of Kerala (*The Hindu* 2 Mar. 2012). According to *The Hindu*, in Kerala, the money is aimed at helping couples "in distress" to establish a livelihood; to qualify, one of the spouses must be from a scheduled caste [government term for Dalits], and their annual income must be less than 22,000 INR [about C\$410 (XE 11 May 2012b)] (ibid.).

The Executive Director expressed the opinion that the government does not provide protection to inter-caste couples who experience mistreatment, and that the police are "not effective" and are sometimes themselves the perpetrators of violence against inter-caste couples (Navsarjan 20 Apr. 2012). According to Human Rights Watch, some local government officials are "sympathetic" to the edicts of the khap panchayats, "implicitly supporting the violence" (18 July 2010).

Media sources report that, in November 2011, 28 people were found guilty in a 1991 murder case of an inter-caste couple and a relative who helped them; 8 were sentenced to death and 20 were sentenced to life imprisonment (BBC 16 Nov. 2011; *The Globe and Mail* 7 Dec. 2011). The village panchayat had reportedly ordered that the couple, a Dalit man and a higher-caste woman, and the relative be killed, and they were subsequently hanged and set on fire (BBC 16 Nov. 2011). According to BBC, honour killings often carry life sentences and the Supreme Court ordered states to abolish honour killings and to punish such crimes with execution (ibid.).

Media sources indicate that the Haryana government operates "protection homes" for runaway couples (*The Indian Express* 19 Apr. 2011; *India Today* 9 May 2011). Couples are initially allowed to stay in the shelters for 10 days, after which the threat is reassessed and length of stay extended if deemed necessary (*The Indian Express* 19 Apr. 2011; *India Today* 9 May 2011). The Haryana government reportedly claimed that 151 couples used these protection homes between 21 September and March 2011 (*The Indian Express* 19 Apr. 2011). The Haryana government also maintains that police reports were filed against 113 people in 21 cases related to threats and other mistreatment of the couples (ibid.). In addition, in December 2011, the Punjab and Haryana High Court reportedly ordered police not to register cases of abduction charges against couples who marry against their parents' wishes (ibid. 15 Dec. 2011).

Media sources also indicate that threatened couples can petition the Punjab and Haryana High Court for protection (*The Times of India* 31 Mar. 2010; IBN Live n.d.). However, sometimes couples are killed before the protection is granted (ibid.) or despite the police protection efforts (*The Times of India* 31 Mar. 2010).

4. Inter-caste Children

Regarding the situation of children born to inter-caste couples, the professor of sociology stated that he was not aware of cases in which such children faced "serious problems" (19 Apr. 2012). In contrast, the Executive Director of Navsarjan stated:

The caste identity of the child born out of inter-caste marriages is related with her/his father as India is a patriarchal society. If the father is Dalit, then the child faces less problems than if the mother is Dalit. Many times a Dalit woman is deserted by her in laws and also by her husband, so the responsibility of the child comes on her shoulders.

In rural areas, the children of inter-caste couples face more humiliation, abuses in the neighborhoods, in the schools, etc than in the urban areas. (19 Apr. 2012)

According to information posted on the Ministry of Social Justice and Empowerment's website, for a child of an inter-caste couple to qualify for "Scheduled Caste" status, which the government defines as "extreme social, education and economic backwardness arising out of the traditional practice of untouchability," depends on whether the child has been brought up and accepted in the community of the scheduled caste and is decided on an individual basis (India n.d.). However, the website also gave examples to show that, generally, the scheduled caste status follows the father's status (India n.d.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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Oral sources: Attempts to contact the following persons and organizations were unsuccessful: Centre for Dalit Rights; National Campaign on Dalit Human Rights; professor, University of Cincinnati.

Internet sites, including: Amnesty International; Asian Human Rights Commission; Asian Legal Resource Centre; Christian Solidarity Worldwide; Dalit Foundation; ecoi.net; Freedom House; India — Haryana Police, Ministry of Home Affairs, Ministry of Law and Justice, National Human Rights Commission; International Crisis Group; International Federation for Human Rights; Minority Rights Group International; National Campaign on Dalit Human Rights; United Nations — Refworld, UNICEF.

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